



**2016/0280(COD)**

5.4.2017

# **AMENDMENTS**

## **304 - 576**

**Draft opinion**  
**Catherine Stihler**  
(PE599.682v01-00)

Copyright in the Digital Single Market

Proposal for a directive  
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

AM\_Com\_LegOpinion

**Amendment 304**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

*Amendment*

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

**Amendment 305**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**

**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

*Amendment*

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.**

Or. en

**Amendment 306**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**

## Article 2 – paragraph 1 – subparagraph 2

### *Text proposed by the Commission*

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a ***decisive*** influence upon such organisation;

### *Amendment*

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a ***significant*** influence upon such organisation;

Or. en

## Amendment 307

Daniel Dalton

### Proposal for a directive

#### Article 2 – paragraph 1 a (new)

### *Text proposed by the Commission*

### *Amendment*

***(1a) 'educational establishment' means a school, college, university, or any other organisation the primary goal of which is to provide educational services:***

***(a) on a not-for-profit basis or by reinvesting all the profits in such provision; or***

***(b) pursuant to a public interest mission recognised by a Member State.***

Or. en

## Amendment 308

Pascal Arimont

### Proposal for a directive

#### Article 2 – paragraph 2

### *Text proposed by the Commission*

### *Amendment*

(2) 'text and data mining' means any ***automated*** analytical technique ***aiming to analyse text and data*** in digital form in order to generate information ***such as***

(2) 'text and data mining' means any ***computational*** analytical technique ***which analyses works and other subject matter*** in digital form in order to generate

patterns, trends and correlations;

information *including, but not limited to*, patterns, trends and correlations;

Or. en

**Amendment 309**

**Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) 'beneficiary' means any individual or entity, public or private, with lawful access to content;**

Or. en

**Amendment 310**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) 'beneficiary' means any individual or entity, public or private, with lawful access to content ;**

Or. en

**Amendment 311**

**Catherine Stihler, Julia Reda**

**Proposal for a directive**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

(2a) *'beneficiary' means any individual or entity, public or private, with lawful access to content;*

Or. en

#### **Amendment 312**

**Daniel Dalton, Anneleen Van Bossuyt**

#### **Proposal for a directive**

#### **Article 2 – paragraph 3**

*Text proposed by the Commission*

(3) 'cultural heritage institution' means a publicly accessible library *or museum*, an archive or a film or audio heritage institution;

*Amendment*

(3) 'cultural heritage institution' means a publicly accessible library, ***museum, gallery or educational establishment***, an archive or a film or audio heritage institution *or public broadcaster*;

Or. en

#### **Amendment 313**

**Julia Reda**

#### **Proposal for a directive**

#### **Article 2 – paragraph 3**

*Text proposed by the Commission*

(3) 'cultural heritage institution' means a publicly accessible ***library or museum, an archive or a*** film or audio heritage ***institution***;

*Amendment*

(3) 'cultural heritage institution' means publicly accessible ***libraries, educational establishments and museums, as well as archives***, film or audio heritage ***institutions and public-service broadcasting organisations***;

Or. en

#### **Amendment 314**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**  
**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a)** *'user generated content' means an image, a set of moving images with or without sound, a phonogram, text, software, data, or a combination of the above, which is uploaded to an online service by one or more users;*

Or. en

**Amendment 315**  
**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**  
**Article 2 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**(4)** *'press publication' means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.*

*deleted*

Or. en

**Amendment 316**  
**Daniel Dalton**

**Proposal for a directive**  
**Article 2 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**(4)** *'press publication' means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.*

*deleted*

Or. en

**Amendment 317**

**Julia Reda**

**Proposal for a directive**

**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4a)** *'out of commerce work' means a work or other subject-matter that is not available to the public through customary channels of commerce . Out of commerce works include both works that have previously been available commercially and works that have never been commercially available.*

Or. en

**Amendment 318**

**Julia Reda**

**Proposal for a directive**

**Article 2 – paragraph 4 a (new)**



*Text proposed by the Commission*

*Amendment*

**(4a)** *'out of commerce work' means a work or other subject-matter that is not available to the public through customary channels of commerce . Out of commerce works include both works that have previously been available commercially and works that have never been commercially available.*

Or. en

## **Amendment 319**

**Philippe Juvin**

### **Proposal for a directive**

#### **Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4a)** *'lawful access' means access to lawfully acquired content.*

Or. fr

## **Amendment 320**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

### **Proposal for a directive**

#### **Article 3 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter **to which they have lawful access for the purposes of scientific**

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter. **This includes, for the sole purpose of text and data mining, the permission to extract**

*research.*

*contents of databases and to make reproductions.*

Or. en

#### **Amendment 321**

**Jiří Maštálka**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter **to which they have lawful access for the purposes of scientific research.**

##### *Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter **lawfully accessed.**

Or. en

#### **Amendment 322**

**Daniel Dalton, Vicky Ford**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter to which they have lawful

##### *Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter to which they have lawful access. **Member States**

access *for the purposes of scientific research*.

*may continue to apply existing well-functioning exceptions.*

Or. en

### Amendment 323

Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès

#### Proposal for a directive

##### Article 3 – paragraph 1

###### *Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

###### *Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have ***acquired*** lawful ***licence based*** access for the purposes of ***non-commercial*** scientific research.

Or. en

### Amendment 324

Inese Vaidere

#### Proposal for a directive

##### Article 3 – paragraph 1

###### *Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other

###### *Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations ***and cultural heritage institutions*** in order to carry out

subject-matter to which they have lawful access for the purposes of scientific research.

text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. en

**Amendment 325**  
**Lambert van Nistelrooij**

**Proposal for a directive**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other **subject-matter** to which they have lawful access for the purposes of scientific research.

*Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other **subject matter** to which they have **acquired** lawful access for the purposes of scientific research.

Or. en

**Amendment 326**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

*Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

text and data mining of works or other subject-matter to which they have **acquired** lawful access for the purposes of scientific research.

Or. en

## **Amendment 327**

**Philippe Juvin**

### **Proposal for a directive**

#### **Article 3 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for **the** purposes of scientific research.

##### *Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for **non-commercial** purposes of scientific research.

Or. fr

## **Amendment 328**

**Pascal Arimont, Herbert Reul**

### **Proposal for a directive**

#### **Article 3 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

##### *Amendment*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

text and data mining of works or other subject-matter to which they have **lawful** access for the purposes of scientific research.

text and data mining of works or other subject-matter to which they have **lawfully obtained** access for the purposes of scientific research.

Or. de

#### **Amendment 329**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall provide for rightholders who market works or other subject-matter primarily for research purposes, to have an obligation to allow research organisations not having lawful access to those works or other subject-matter access to datasets that are optimised for enabling them to carry out text and data mining on all aspects of the works. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as that compensation is related to the cost of formatting these datasets and does not exceed what is necessary and appropriate to cover those costs.***

Or. en

#### **Amendment 330**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

#### **Proposal for a directive**

#### **Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Any contractual provision contrary to the exception provided for in paragraph

2. Any contractual provision ***or legal protection of technological measures***

1 shall be unenforceable.

contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

#### **Amendment 331**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley**

#### **Proposal for a directive**

#### **Article 3 – paragraph 3**

##### *Text proposed by the Commission*

3. Rightholders shall be allowed to apply measures *to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such* measures shall not go beyond what is necessary to achieve that objective.

##### *Amendment*

3. Rightholders shall **not** be allowed to apply **technical** measures **that prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1. Such measures shall therefore not exceed what is necessary to pursue the objective of ensuring the security of the system and shall not undermine the effective application of the exception. These** measures shall not prevent or unreasonably restrict the ability to text and mine data or the ability to develop text and data mining tools that differ from those offered by the rightholders as long as the security of the networks and databases are protected.

Or. en

#### **Amendment 332**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

#### **Proposal for a directive**

#### **Article 3 – paragraph 3**

##### *Text proposed by the Commission*

3. Rightholders shall be allowed to apply measures to *ensure the security and integrity of the networks and databases where the works or other subject-matter*

##### *Amendment*

3. Rightholders shall **not** be allowed to apply measures to **technologically limit the right to exercise the exception adopted pursuant to paragraph 1.**

*are hosted. Such measures shall not go beyond what is necessary to achieve that objective.*

Or. en

**Amendment 333**  
**Jiří Maštálka**

**Proposal for a directive**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not ***go beyond*** what is necessary to ***achieve that*** objective.

*Amendment*

3. Rightholders shall ***not*** be allowed to apply measures to ***prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless such measures are to*** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted ***may be applied***. Such measures ***shall not exceed*** what is necessary to ***pursue the objective of ensuring the security of the system and should not undermine the effective application of the exception. These measures shall not prevent or unreasonably restrict the ability to text and data mine or the ability to develop text and data mining tools different from those offered by the rightholders as long as the security of the networks and databases are protected.***

Or. en

**Amendment 334**  
**Daniel Dalton, Anneleen Van Bossuyt, Vicky Ford**

**Proposal for a directive**  
**Article 3 – paragraph 3**



*Text proposed by the Commission*

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

*Amendment*

3. Rightholders shall be allowed to apply ***targeted, proportionate, reasonable and non-discriminatory*** measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall ***be reasonable and efficient***, not go beyond what is necessary to achieve that objective, ***or unnecessarily hamper text and data mining***.

Or. en

**Amendment 335**  
**Lambert van Nistelrooij**

**Proposal for a directive**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other ***subject-matter*** are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

*Amendment*

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other ***subject-matters*** are hosted. Such measures shall not go beyond what is ***deemed*** necessary to achieve that objective.

Or. en

**Amendment 336**  
**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**  
**Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Copies of content obtained for mining text and data shall be stored or preserved in a controlled and protected***

*way, for a reasonable period of time, in the sole purpose of verification of results. Any copies of content obtained for mining text and data which are stored or preserved for longer than what is reasonable, shall constitute infringing copies.*

Or. en

**Amendment 337**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**

**Article 3 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall *encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.*

*Amendment*

4. Member States shall *designate a facility to safely store datasets used for text and data mining and to make them accessible for verification purposes.*

Or. en

**Amendment 338**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 3 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

*Amendment*

4. *The Commission, in cooperation with* Member States, shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

**Amendment 339**  
**Inese Vaidere**

**Proposal for a directive**  
**Article 3 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

*Amendment*

4. Member States shall encourage rightholders and research organisations **and cultural heritage institutions** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

**Amendment 340**  
**Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**  
**Article 4 – title**

*Text proposed by the Commission*

Use of works and other subject-matter in **digital and cross-border** teaching activities

*Amendment*

Use of works and other subject-matter in teaching activities

Or. en

**Amendment 341**  
**Julia Reda**

**Proposal for a directive**  
**Article 4 – title**

*Text proposed by the Commission*

Use of works and other subject-matter in **digital and cross-border** teaching activities

*Amendment*

Use of works and other subject-matter in teaching activities

Or. en

**Amendment 342**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 4 – title**

*Text proposed by the Commission*

Use of works and other subject-matter in ***digital and cross-border teaching*** activities

*Amendment*

Use of works and other subject-matter in ***educational*** activities

Or. en

**Amendment 343**

**Julia Reda**

**Proposal for a directive**

**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the ***digital*** use of works and other subject-matter for the sole purpose of illustration for teaching, ***to the extent justified*** by the ***non-commercial purpose to be achieved, provided that the use:***

*Amendment*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the use of works and other subject-matter for the sole purpose of illustration for teaching, ***provided that the use is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.***

Or. en

**Amendment 344**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

## Proposal for a directive

### Article 4 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the **digital** use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

#### *Amendment*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the use of works and other subject-matter for the sole purpose of illustration for teaching, **learning and scientific research** to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

## Amendment 345

Daniel Dalton, Anneleen Van Bossuyt

## Proposal for a directive

### Article 4 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for **the sole purpose of illustration for teaching**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

#### *Amendment*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for **educational purposes**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

**Amendment 346**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

*Amendment*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter, ***or of extracts thereof, with the exception of content intended chiefly for the educational market and the market in musical scores***, for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. fr

**Amendment 347**  
**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**  
**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

*Amendment*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter ***or extract thereof, except contents that are primarily intended to the educational and musical scores markets*** for the sole purpose of illustration for

teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

**Amendment 348**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

*Amendment*

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching *or scientific research*, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

**Amendment 349**  
**Inese Vaidere**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) *takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;*

*Amendment*

*deleted*

**Amendment 350**  
**Julia Reda**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;* *deleted*

Or. en

**Amendment 351**  
**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;* *deleted*

Or. en

*Justification*

*The reference to educational establishments in combination with the non-commercial purpose has created in the past ambiguity over whether private educational establishments can benefit from this exception. The exception or limitation for education should therefore not specify the beneficiaries but rather rely on the three step tests*

**Amendment 352**



**Antanas Guoga**

**Proposal for a directive**

**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils **or** students **and** teaching staff;

*Amendment*

(a) takes place on the premises of an educational establishment or ***a cultural heritage institution or*** through a secure electronic network accessible only by the educational establishment's pupils, students, teaching staff ***or registered members of the cultural heritage institution who are enrolled into the non-formal education activities provided by a cultural heritage institution;***

Or. en

**Amendment 353**

**Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**

**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

*Amendment*

(a) takes place on the premises of an educational establishment or ***other educational venue, such as cultural heritage institutions, or*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

**Amendment 354**

**Julia Reda**

**Proposal for a directive**

**Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.* *deleted*

Or. en

**Amendment 355**

**Philippe Juvin**

**Proposal for a directive**

**Article 4 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) is limited to the duration justified for the sole purpose of illustration for teaching;*

Or. fr

**Amendment 356**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley**

**Proposal for a directive**

**Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.* *deleted*

Or. en

### *Justification*

*The implementation of the Infosoc Directive has shown that the use of licenses is in most cases not enough to ensure entities involved in teaching and scientific activities can benefit from this exception or limitation*

#### **Amendment 357**

**Jiří Maštálka**

#### **Proposal for a directive**

#### **Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.*

*Amendment*

*Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.*

Or. en

#### **Amendment 358**

**Julia Reda**

#### **Proposal for a directive**

#### **Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that **adequate licences** authorising the acts described in paragraph 1 are easily available **in the market**.

*Amendment*

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that **equivalent extended collective licencing agreements** authorising **at least** the acts described in paragraph 1 are easily available **and affordable**.

Or. en

**Amendment 359**  
**Morten Løkkegaard**

**Proposal for a directive**  
**Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Member States *may* provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

*Amendment*

Member States *shall* provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Or. en

**Amendment 360**  
**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**  
**Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are *easily* available in the market.

*Amendment*

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are available in the market.

Or. en

**Amendment 361**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that ***adequate*** licences authorising the acts described in paragraph 1 are ***easily*** available in the market.

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that licences authorising the acts described in paragraph 1 are available in the market.

Or. fr

**Amendment 362**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley**

**Proposal for a directive**

**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.***

***deleted***

Or. en

*Justification*

*The implementation of the Infosoc Directive has shown that the use of licenses is in most cases not enough to ensure entities involved in teaching and scientific activities can benefit from this exception or limitation*

**Amendment 363**

**Morten Løkkegaard**

**Proposal for a directive**

**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Member States ***availing themselves of the***

Member States shall take the necessary

*provision of the first subparagraph* shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

**Amendment 364**  
**Julia Reda**

**Proposal for a directive**  
**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the *licences* authorising the acts described in paragraph 1 for educational establishments.

*Amendment*

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the *extended collective licencing agreements* authorising the acts described in paragraph 1 for educational establishments.

Or. en

**Amendment 365**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 4 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

*Amendment*

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments *and cultural heritage institutions*.

Or. en

**Amendment 366**  
**Julia Reda**

**Proposal for a directive**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***through secure electronic networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational ***establishment is established***.

*Amendment*

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***online*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State ***from*** where the educational ***activity originates***.

Or. en

**Amendment 367**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall ***be deemed to occur solely in the Member State where the educational establishment is established***.

*Amendment*

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall ***only be accessible to the beneficiaries of this exception or limitation***.

Or. en

*Justification*

*Online learning platforms under the control of educational establishments often contain complete courses, assignments, students' discussions and so on. It would therefore be in*

*practice difficult for such platforms to only restrict access to specific types of works covered under article 4 without restricting access to the entire platform. There is therefore a need to clarify that the accessibility should not be restricted on the basis of territory but on the basis of beneficiaries.*

**Amendment 368**  
**Julia Reda**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Member States *may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.*

*Amendment*

4. Member States *shall ensure that the rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works of other subject-matter that they may choose.*

Or. en

**Amendment 369**  
**Morten Løkkegaard, Jasenko Selimovic**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Member States *may provide for* fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

*Amendment*

4. Member States *shall ensure* fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

**Amendment 370**  
**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**  
**Article 4 – paragraph 4**



*Text proposed by the Commission*

4. Member States **may** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

*Amendment*

4. Member States **shall** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

**Amendment 371**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Member States **may** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

*Amendment*

4. Member States **shall** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

**Amendment 372**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Member States **may** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

*Amendment*

4. Member States **shall** provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. fr

**Amendment 373**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Member States may provide for fair compensation for *the harm incurred by the* rightholders *due* to the use of their works or other subject-matter pursuant to paragraph 1.

*Amendment*

4. Member States may provide for fair compensation for *any unreasonable actions contrary to the legitimate interests of* rightholders *in relation* to the use of their works or other subject-matter pursuant to paragraph 1 *of this Article and Article 5(5) of Directive 2001/29/EC*.

Or. en

**Amendment 374**

**Daniel Dalton**

**Proposal for a directive**

**Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States may provide for restrictions on the amount of a work that can be copied in accordance with fair practice. Such restrictions shall take into account the needs of both users and rightholders.**

Or. en

**Amendment 375**

**Julia Reda**

**Proposal for a directive**

**Article 5 – title**

*Text proposed by the Commission*

*Amendment*

***Preservation of*** cultural heritage

***Reproduction by*** cultural heritage  
***institutions and educational***  
***establishments, including cross-border***  
***activities***

Or. en

**Amendment 376**  
**Josef Weidenholzer**

**Proposal for a directive**  
**Article 5 – title**

*Text proposed by the Commission*

*Amendment*

Preservation of cultural heritage

Preservation of cultural heritage ***and***  
***Safeguarding the Public Domain***

Or. en

**Amendment 377**  
**Julia Reda**

**Proposal for a directive**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, ***for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.***

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions ***or educational establishments***, to make copies of any works or other subject-matter that are permanently in their collections ***or publicly accessible on the Internet***, in any format or medium, ***to the extent necessary for such reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in preservation, research, culture,***

*education and teaching:*

*a) Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.*

*b) Member States shall recognise that once a work is in the public domain (copyright and related rights in a work have expired or never existed), faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitisation, shall equally not be subject to copyright or related rights.*

Or. en

## **Amendment 378**

**Catherine Stihler, Julia Reda**

### **Proposal for a directive**

#### **Article 5 – paragraph 1**

*Text proposed by the Commission*

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, *for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such* preservation.

*Amendment*

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions *or educational establishments*, to make copies of any works or other subject-matter that are permanently in their collections *or publicly accessible on the Internet*, in any format or medium, *to the extent necessary for such reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in* preservation, *research, culture,* education and teaching.

Or. en

**Amendment 379**  
**Daniel Dalton**

**Proposal for a directive**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

*Amendment*

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections ***or use the facilities of third parties to do so,*** in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

**Amendment 380**  
**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

*Amendment*

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation, ***without modifying***

*them.*

Or. en

**Amendment 381**  
**Josef Weidenholzer**

**Proposal for a directive**  
**Article 5 – paragraph 1 – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

***(1) Member States shall recognise that once a work is in the public domain (copyright and related rights in a work have expired or never existed), faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitisation, shall equally not be subject to copyright or related rights.***

Or. en

*Justification*

*The reproduction of cultural works, specifically their digitisation, will in the coming years be a very powerful tool not only for the preservation of our cultural heritage but also for providing broad access to researchers, students and the general public. In contrast, access to culture would be jeopardised if these digitisations were again locked-up. Faithful reproductions of works that do not constitute a creative transformation should not be hampered by added barriers that could have a chilling effect on digitisation of cultural heritage.*

**Amendment 382**  
**Catherine Stihler, Julia Reda**

**Proposal for a directive**  
**Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Any contractual provision contrary to the exception set out in paragraph 1 shall be***

*unenforceable.*

Or. en

**Amendment 383**  
**Catherine Stihler, Julia Reda**

**Proposal for a directive**  
**Article 5 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall recognise that once a work is in the public domain (copyright and related rights in a work have expired or never existed), faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitisation, shall equally not be subject to copyright or related rights.*

Or. en

**Amendment 384**  
**Catherine Stihler, Julia Reda**

**Proposal for a directive**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

***Freedom of panorama***

*Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places.*

*Any contractual provision contrary to the*

*exception provided for in this Article shall be unenforceable.*

Or. en

**Amendment 385**

**Jiří Maštálka**

**Proposal for a directive**

**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

*Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.*

Or. en

**Amendment 386**

**Julia Reda**

**Proposal for a directive**

**Article 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5b**

*Access for the purposes of research or private study to the collections of cultural heritage institutions or educational establishments*

*1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of*



*this Directive for the communication or making available of works and other subject matter contained in the collections of cultural heritage institutions, or educational establishments, for the purpose of research or private study, to members of the public on the premises of those institutions, or establishments or online.*

*2. Any contractual provision contrary to the exception set out in paragraph (1) shall be unenforceable.*

Or. en

**Amendment 387**

**Julia Reda**

**Proposal for a directive**

**Article 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5b**

***Document delivery by cultural heritage institutions and educational establishments***

*1. Member States shall provide an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, or educational establishments to make reproductions in any format or medium upon request, for the sole purpose of a person's scientific research or private study, as long as the source, including the author's name is indicated, unless inclusion of the name is impractical.*

*2. Any contractual provision contrary to the exception set out in paragraph 1*

*shall be unenforceable.*

Or. en

**Amendment 388**

**Julia Reda**

**Proposal for a directive**

**Article 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5c**

***Public lending of literary works***

- 1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow the lending of literary works in any format to the public, where such works have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of Directive 2006/115/EC .***
- 2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.***
- 3. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, and Article 11(1) of this Directive, permitting libraries to make reproductions of literary works in order to facilitate public lending where the literary works have been legitimately acquired, but are not available in the format or medium required as part of the lending service.***
- 4. Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend on reasonable terms, including remotely, all commercially available literary works in any format, including digital, that have legally entered their collections or to which they have legal access. The***

*Commission shall report on progress towards this goal no later than two years after [date of entry into force of this Directive].*

Or. en

**Amendment 389**

**Julia Reda, Dita Charanzová, Marietje Schaake, Kaja Kallas**

**Proposal for a directive**

**Article 5 d (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5d**

**Freedom of Panorama**

- 1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places.**
- 2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.**

Or. en

**Amendment 390**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**

**Article 5 e (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5e**

**User-generated content exception**

*1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2, 3 and 4 of Directive 2001/29/EC, point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, point (a) of Article 4(1) of Directive 2009/24/EC and Article 13 of this Directive in order to allow for the digital use of quotations or extracts of works and other subject-matter comprised within user-generated content for purposes such as criticism, review, entertainment, illustration, caricature, parody or pastiche provided that the quotations or extracts:*

*(a) relate to works or other subject-matter that have already been lawfully made available to the public;*

*(b) are accompanied by the indication of the source, including the author's name, unless this turns out to be impossible; and*

*(c) are used in accordance with fair practice and in a manner that does not extend beyond the specific purpose for which they are being used.*

*2. Any contractual provision contrary to the exception provided for in this paragraph 1 shall be unenforceable.*

Or. en

**Amendment 391**  
**Julia Reda**

**Proposal for a directive**  
**Article 5 f (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5f**

***Mutual recognition of public domain provisions***

***Member States shall recognize works and***

*other subject matter to be in the public domain if such works are exempted from copyright protection in their country of origin by provisions concerning the protection of public sector works, such as laws, court decisions and other official works.*

Or. en

**Amendment 392**  
**Julia Reda**

**Proposal for a directive**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Article 5(5) and* the first, *third* and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

*Amendment*

*1.* The first and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

*1a. Any contractual provision contrary to the exceptions and limitations provided for in this Directive shall be unenforceable.*

Or. en

**Amendment 393**  
**Morten Løkkegaard**

**Proposal for a directive**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and *the limitation* provided for under this Title.

*Amendment*

Article 5(5) and the first, third, *fourth* and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and *limitations* provided for under this title.

Or. en

**Amendment 394**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

*Amendment*

***Access to content permitted by an exception or limitation shall not give the beneficiary of the exception or limitation the right to use the content concerned in the context provided for by another exception or limitation.***

Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

Or. fr

**Amendment 395**  
**Josef Weidenholzer**

**Proposal for a directive**  
**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 6a***

***Freedom of Panorama***

***Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.***

Or. en

### *Justification*

*Public spaces are a valuable public resource. Municipalities charge rent for visible parts of public spaces (advertising). In the case of works permanently installed in public spaces, a large extent of the added value comes from the public space itself. The author is paid upfront for the installed artwork and receives additional income from using the public space as an advertising space. Not allowing the re-use of images of public spaces would be akin to a privatisation thereof.*

#### **Amendment 396**

**Philippe Juvin**

#### **Proposal for a directive**

##### **Article 7 – title**

*Text proposed by the Commission*

*Amendment*

Use of out-of-commerce works **by cultural heritage institutions**

Use of out-of-commerce works

Or. fr

#### **Amendment 397**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

#### **Proposal for a directive**

##### **Article 7 – title**

*Text proposed by the Commission*

*Amendment*

Use of out-of-commerce works **by cultural heritage institutions**

Use of out-of-commerce works

Or. en

#### **Amendment 398**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

#### **Proposal for a directive**

##### **Article 7 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Member States *shall provide that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, *such a non-exclusive licence may be extended or presumed to apply to rightholders of the same category as those covered by the licence who are not represented by the collective management organisation*, provided that:

1. Member States *after consulting with rightholders and their representing organisations, cultural heritage institutions and other users, shall provide a legal mechanism enabling exclusive or non-exclusive licences* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the collection of the institution, provided that:

Or. en

#### **Amendment 399** **Philippe Juvin**

#### **Proposal for a directive** **Article 7 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Member States shall provide *that when a collective management organisation, on behalf of its members, concludes a non-exclusive licence for non-commercial purposes with a cultural heritage institution* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the *collection of the institution*, *such a non-exclusive licence may be extended or presumed to apply to rightholders* of the *same category as those covered by the licence who are not represented by the collective management organisation*, provided that:

##### *Amendment*

1. Member States shall provide, *following consultations with representatives of rightholders, cultural heritage institutions and other users, a legal mechanism whereby exclusive or non-exclusive licences may be granted* for the digitisation, distribution, communication to the public or making available of out-of-commerce works or other subject-matter permanently in the *collections* of the *institutions*, provided that:

Or. fr



**Amendment 400**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**

**Article 7 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the ***collective management*** organisation ***is, on the basis of mandates from rightholders***, broadly representative of rightholders ***in the category of works or other subject-matter and of the rights which are the subject of the licence***;

*Amendment*

(a) the organisation ***in charge of granting licences*** *is* broadly representative of rightholders ***according to the legislations of the Member State legislation***;

Or. en

**Amendment 401**

**Philippe Juvin**

**Proposal for a directive**

**Article 7 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the ***collective management*** organisation ***is, on the basis of mandates from rightholders***, broadly representative of rightholders ***in the category of works or other subject-matter and of the rights which are the subject of the licence***;

*Amendment*

(a) the organisation ***responsible for granting licences*** *is* broadly representative of rightholders ***in accordance with the procedures laid down in the legislation of the Member State***;

Or. fr

**Amendment 402**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**

**Article 7 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) all rightholders may at any time

*Amendment*

(c) all rightholders ***are duly informed***

object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

**and** may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

Or. en

**Amendment 403**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 7 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

*Amendment*

(c) all rightholders may at any time object to their works or other subject-matter being deemed to be out of commerce and exclude the application of the licence to their works or other subject-matter.

***This legal mechanism may take the form, in particular, of an extended collective licence, a legal mandate or a presumption.***

Or. fr

**Amendment 404**  
**Daniel Dalton**

**Proposal for a directive**  
**Article 7 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) (d) Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, evaluate the effectiveness of such licensing solutions.***

Or. en

**Amendment 405**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**

**Article 7 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***This legal mechanism may, among others, be based on extended collective licensing, a legal mandate or a presumption.***

Or. en

**Amendment 406**

**Julia Reda**

**Proposal for a directive**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall provide for an exception to the rights provided for in Article 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of Out of Commerce Works that are permanently located in their collections available online on their own online services for non-commercial purposes, provided that the name of the author or any other identifiable rightholder is indicated, unless this turns out to be impossible.***

Or. en

**Amendment 407**

**Julia Reda**

**Proposal for a directive**  
**Article 7 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States may provide that the exception adopted pursuant to paragraph 2 does not apply in sectors or for types of works where extended collective licensing based solutions provided for in paragraph 1 are available or can be expected to become available. Member states shall, in consultation with authors, other rightholders, collective management organisations and cultural heritage institutions, determine the availability of extended collective licensing based solutions for specific sectors or types of works.***

Or. en

**Amendment 408**  
**Julia Reda**

**Proposal for a directive**  
**Article 7 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 or used in accordance with paragraph 2 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce***

**Amendment 409**  
**Julia Reda**

**Proposal for a directive**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *A work or other subject-matter shall be deemed to be out of commerce when the whole work or other subject-matter, in all its translations, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.* **deleted**

*Member States shall, in consultation with rightholders, collective management organisations and cultural heritage institutions, ensure that the requirements used to determine whether works and other subject-matter can be licensed in accordance with paragraph 1 do not extend beyond what is necessary and reasonable and do not preclude the possibility to determine the out-of-commerce status of a collection as a whole, when it is reasonable to presume that all works or other subject-matter in the collection are out of commerce.*

**Amendment 410**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

A work or other subject-matter shall be

A work or other subject-matter shall be

deemed to be out of commerce when the whole work or other subject-matter, in all its *translations*, versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

deemed to be out of commerce when the whole work or other subject-matter, in all its versions and manifestations, is not available to the public through customary channels of commerce and cannot be reasonably expected to become so.

Or. fr

#### **Amendment 411**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

#### **Proposal for a directive**

#### **Article 7 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *from a collective management organisation that is representative for* the Member State where:

*Amendment*

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *in* the Member State where:

Or. en

#### **Amendment 412**

**Philippe Juvin**

#### **Proposal for a directive**

#### **Article 7 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *from a collective management organisation that is representative for* the Member State where:

*Amendment*

4. Member States shall ensure that the licences referred to in paragraph 1 are sought *in* the Member State where:

Or. fr

**Amendment 413**  
**Julia Reda**

**Proposal for a directive**  
**Article 7 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) the cultural heritage institution is established, when a Member State or a third country could not be determined, after **reasonable** efforts, according to points (a) and (b).

*Amendment*

(c) the cultural heritage institution is established, when a Member State or a third country could not be determined, after **proven** efforts, according to points (a) and (b).

Or. en

**Amendment 414**  
**Julia Reda**

**Proposal for a directive**  
**Article 7 – paragraph 5**

*Text proposed by the Commission*

**5. Paragraphs 1, 2 and 3 shall not apply to the works or other subject-matter of third country nationals except where points (a) and (b) of paragraph 4 apply.**

*Amendment*

**deleted**

Or. en

**Amendment 415**  
**Julia Reda**

**Proposal for a directive**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Works or other subject-matter **covered by a licence granted** in accordance with Article 7 may be used by the cultural heritage institution **in accordance with the terms of the licence** in all Member States.

*Amendment*

1. Works or other subject-matter **used** in accordance with Article 7 may be used by the cultural heritage institution in all Member States.

**Amendment 416**  
**Julia Reda**

**Proposal for a directive**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by ***a licence granted in accordance with*** Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

*Amendment*

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

**Amendment 417**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other

*Amendment*

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other



subject-matter are *digitised*, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

subject-matter are distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Or. en

#### *Justification*

*The digitisation of a work does not always lead to its making available so the reference to digitisation should not create a loophole for archives which were digitised but at the time not made available*

#### **Amendment 418** **Daniel Dalton**

#### **Proposal for a directive** **Article 8 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that information that allows the identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

##### *Amendment*

2. Member States shall ensure that information that allows the *physical* identification of the works or other subject-matter covered by a licence granted in accordance with Article 7 and information about the possibility of rightholders to object referred to in Article 7(1)(c) are made publicly accessible in a single online portal for at least six months before the works or other subject-matter are digitised, distributed, communicated to the public or made available in Member States other than the one where the licence is granted, and for the whole duration of the licence.

Or. en

#### **Amendment 419** **Marcus Pretzell**

#### **Proposal for a directive** **Article 11**

**Article 11**

***deleted***

***Protection of press publications  
concerning digital uses***

***1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.***

***2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.***

***3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.***

***4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.***

Or. de

*Justification*

*Ancillary copyright has failed in Germany. There is no reason why it should also be allowed to fail in Europe as a whole. We endorse the rapporteur's criticism.*

**Amendment 420**  
**Daniel Dalton**

## Proposal for a directive

### Article 11

*Text proposed by the Commission*

*Amendment*

#### *Article 11*

*deleted*

#### *Protection of press publications concerning digital uses*

*1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.*

*2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.*

*3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.*

*4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.*

Or. en

**Amendment 421**

**Anneleen Van Bossuyt**

**Proposal for a directive**

## Article 11

*Text proposed by the Commission*

*Amendment*

### *Article 11*

*deleted*

#### *Protection of press publications concerning digital uses*

*1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.*

*2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.*

*3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.*

*4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.*

Or. en

## Amendment 422

Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen

### Proposal for a directive Article 11

**Article 11**

***deleted***

***Protection of press publications  
concerning digital uses***

***1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.***

***2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.***

***3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.***

***4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.***

Or. en

*Justification*

*This new right has been proposed without proper evidence. The effectiveness of such a provision is also in question given the results of similar measures taken in Germany and Spain, in particular on smaller publishers. In addition, the German court ruling on the issue has concluded that the online use of press publications by for instance search engines provides a combination of value and money flows and non-monetary benefits for all parties and thereby constitutes a win win situation.*

**Amendment 423**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**

**Article 11**

*Text proposed by the Commission*

*Amendment*

**Article 11**

**deleted**

***Protection of press publications  
concerning digital uses***

***1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.***

***2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.***

***3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.***

***4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.***

Or. en

**Amendment 424**  
**Jiří Maštálka**

**Proposal for a directive**  
**Article 11**

*Text proposed by the Commission*

*Amendment*

**Article 11**

**deleted**

***Protection of press publications  
concerning digital uses***

***1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.***

***2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.***

***3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.***

***4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.***

Or. en

**Amendment 425**  
**Vicky Ford**

## Proposal for a directive

### Article 11

*Text proposed by the Commission*

*Amendment*

#### *Article 11*

*deleted*

#### *Protection of press publications concerning digital uses*

*1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.*

*2. The rights referred to in paragraph 1 shall leave intact and shall in no way affect any rights provided for in Union law to authors and other rightholders, in respect of the works and other subject-matter incorporated in a press publication. Such rights may not be invoked against those authors and other rightholders and, in particular, may not deprive them of their right to exploit their works and other subject-matter independently from the press publication in which they are incorporated.*

*3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.*

*4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.*

Or. en

#### *Justification*

*The introduction of a press publishers right is unnecessary as authors and publishers are already protected by copyright law. Challenges of enforcing licensed copyrights should be addressed by an enforcement regulation. There may be circumstances in which authors do not*



want publishers to defend their rights and therefore blanket rules empowering publishers to sue may be misused to the detriment of the author.

**Amendment 426**

**Eva Maydell**

**Proposal for a directive**

**Article 11 – title**

*Text proposed by the Commission*

*Amendment*

***Protection of press publications  
concerning digital uses***

***Enforcement of publishers' rights***

Or. en

**Amendment 427**

**Pascal Arimont, Tom Vandenkendelaere, Herbert Reul**

**Proposal for a directive**

**Article 11 – title**

*Text proposed by the Commission*

*Amendment*

***Protection of press publications  
concerning digital uses***

***Protection of press publications***

Or. de

**Amendment 428**

**Morten Løkkegaard**

**Proposal for a directive**

**Article 11 – title**

*Text proposed by the Commission*

*Amendment*

***Protection of press publications  
concerning digital uses***

***Protection of press publications***

Or. en

**Amendment 429**  
**Eva Maydell**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide publishers of press publications with the *rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC* for the digital use of their press publications.

*Amendment*

1. Member States shall provide publishers of press publications with the *legal capacity to represent authors of literary works contained in their publications as well as with the appropriate legal remedies to sue in their own name when defending the rights of such authors* for the digital use of their press publications.

Or. en

**Amendment 430**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide publishers of press publications with *the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC* for the digital use of their press publications.

*Amendment*

1. Member States shall provide publishers of press publications with *a presumption of representation of authors of literary works contained in publications and the legal possibility to sue in their own name when defending the rights of such author* for the digital use of their press publications.

Or. en

**Amendment 431**  
**Marc Tarabella, Virginie Rozière, Hugues Bayet**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the digital use of their press publications.

*Amendment*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC **and Article 3 and 9 of Directive 2006/115/EC** for the digital use of their press publications.

Or. en

**Amendment 432**  
**Morten Løkkegaard**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the **digital** use of their press publications.

*Amendment*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC, **Article 3 and 9 of Directive 2006/115/EC** for the use of their press publications.

Or. en

*Justification*

*The proposal only provides rights for digital uses, whereas the role of the publisher and the investment of the publisher into the publishing enterprise is for both print and digital regardless of the method of dissemination. Other neighbouring right holders (phonogram producers, film producers and broadcasting organisations) enjoy the full scope of rights. Only to grant rights for digital uses creates a notion that the print edition is not worth the same level of protection and disregards any unauthorised print reproduction, distribution and rental/lending and would mean that the publisher will have to deal with two sets of rights. Not having the analogue rights would be similar to not covering DVDs and CDs for film producers and phonogram producers which would be inconceivable.*

**Amendment 433**  
**Pascal Arimont, Tom Vandenkendelaere, Herbert Reul**

**Proposal for a directive**

## Article 11 – paragraph 1

*Text proposed by the Commission*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for the **digital** use of their press publications.

*Amendment*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC **as well as Articles 3 and 9 of Directive 2006/115/EG** for the use of their press publications.

Or. de

### Amendment 434 Morten Løkkegaard

#### Proposal for a directive Article 11 – paragraph 1

*Text proposed by the Commission*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2 **and Article 3(2)** of Directive 2001/29/EC for the digital use of their press publications.

*Amendment*

1. Member States shall provide publishers of press publications with the rights provided for in Article 2, **3(2) and 9** of Directive 2001/29/EC for the digital use of their press publications.

Or. en

### Amendment 435 Pascal Arimont, Tom Vandenkendelaere, Herbert Reul

#### Proposal for a directive Article 11 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. The protection afforded to publishers of press publications by the rights referred to in paragraph 1 shall not be extended to cover individual words, the linking of hyperlinks and text excerpts, provided that the latter do not contain the core of the information intended to be**

*transmitted with the press publication.*

Or. de

**Amendment 436**  
**Eva Maydell**

**Proposal for a directive**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.** *deleted*

Or. en

**Amendment 437**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Articles 5 to 8 of Directive 2001/29/EC and Directive 2012/28/EU shall apply mutatis mutandis in respect of the rights referred to in paragraph 1.** *deleted*

Or. en

**Amendment 438**  
**Eva Maydell**

**Proposal for a directive**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.**

*deleted*

Or. en

**Amendment 439  
Antanas Guoga**

**Proposal for a directive  
Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The rights referred to in paragraph 1 shall expire 20 years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.**

*deleted*

Or. en

**Amendment 440  
Daniel Dalton**

**Proposal for a directive  
Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The rights referred to in paragraph 1 shall expire **20 years** after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

4. The rights referred to in paragraph 1 shall expire **six months** after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

#### **Amendment 441**

**Inese Vaidere**

#### **Proposal for a directive**

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

*Amendment*

4. The rights referred to in paragraph 1 shall expire **10** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

#### **Amendment 442**

**Marc Tarabella, Virginie Rozière, Hugues Bayet**

#### **Proposal for a directive**

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

*Amendment*

4. The rights referred to in paragraph 1 shall expire **70** years after the publication of the press publication. This term shall be calculated from the first day of January of the year following the date of publication.

Or. en

#### **Amendment 443**

**Pascal Arimont, Tom Vandenkendelaere**

#### **Proposal for a directive**

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

4. The rights referred to in paragraph 1 shall expire **20** years after the publication of the press publication. This term shall be calculated from the first day of January of

*Amendment*

4. The rights referred to in paragraph 1 shall expire **15** years after the publication of the press publication. This term shall be calculated from the first day of January of

the year following the date of publication.

the year following the date of publication.

Or. de

**Amendment 444**

**Pascal Arimont, Tom Vandenkendelaere, Herbert Reul**

**Proposal for a directive**

**Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The authors and other rightholders of the works and other protected subject matter contained in a press publication shall be have an appropriate share of the remuneration for the exploitation of the press publication.***

Or. de

**Amendment 445**

**Julia Reda**

**Proposal for a directive**

**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 11a***

***Provision of hyperlinks to works***

***The provision on a website of hyperlinks to works available on another website, where such links only contain information necessary to find and, or request the source's contents, shall not constitute a communication to the public.***

Or. en

**Amendment 446**



**Julia Reda**

**Proposal for a directive  
Article 12**

*Text proposed by the Commission*

*Amendment*

**Article 12**

*deleted*

***Claims to fair compensation***

***Member States may provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.***

Or. en

**Amendment 447**

**Morten Løkkegaard, Jasenko Selimovic**

**Proposal for a directive  
Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States ***may*** provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Member States ***shall*** provide that where an author has transferred or licensed a right to a publisher, such a transfer or a licence constitutes a sufficient legal basis for the publisher to claim a share of the compensation for the uses of the work made under an exception or limitation to the transferred or licensed right.

Or. en

**Amendment 448**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**  
**Chapter 4 – title**

*Text proposed by the Commission*

*Amendment*

Certain uses of protected content by online services

Certain uses of protected content by *the users of* online services

Or. en

*Justification*

*There is a need to clarify that the users are responsible for uploading content which is then enabled by the service provider. Such a shift of responsibility towards the intermediary would require the introduction of a system of general monitoring which has been considered by the Court as infringing fundamental rights of users such as the right to data protection*

**Amendment 449**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**  
**Chapter 4 – title**

*Text proposed by the Commission*

*Amendment*

Certain uses of protected content by online services

Certain uses of protected content by *users of* online services

Or. en

**Amendment 450**

**Marcus Pretzell**

**Proposal for a directive**  
**Article 13**

*Text proposed by the Commission*

*Amendment*

*Article 13*

*deleted*

*Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

***1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

***2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.***

***3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.***

Or. de

*Justification*

*S. See justification of the deletion of Article 11.*

**Amendment 451**  
**Marco Zullo**

**Proposal for a directive**  
**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**

*deleted*

*Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

*1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

*2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.*

*3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder*

*dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

Or. it

**Amendment 452**

**Róza Gräfin von Thun und Hohenstein**

**Proposal for a directive**

**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**

*deleted*

*Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

*1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and*

*use of the works and other subject-matter.*

**2.** *Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.*

**3.** *Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

Or. en

**Amendment 453**  
**Filiz Hyusmenova**

**Proposal for a directive**  
**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**

***deleted***

*Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

**1.** *Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with*

*rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

*2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.*

*3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

Or. en

**Amendment 454**  
**Jiří Maštálka**

**Proposal for a directive**  
**Article 13**

*Text proposed by the Commission*

*Amendment*

*Use of protected content by information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

*1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

*2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.*

*3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological*



*developments.*

Or. en

**Amendment 455**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 13 – title**

*Text proposed by the Commission*

*Amendment*

Use of protected content by *information society service providers storing and giving access to large amounts of works and other subject-matter uploaded by their users*

Use of protected content by *users of certain information society services*

Or. en

*Justification*

*There is a need to clarify that the users are responsible for uploading content which is then enabled by the service provider. Such a shift of responsibility towards the intermediary would require the introduction of a system of general monitoring which has been considered by the Court as infringing fundamental rights of users such as the right to data protection*

**Amendment 456**

**Morten Løkkegaard**

**Proposal for a directive**

**Article 13 – title**

*Text proposed by the Commission*

*Amendment*

Use of protected content *by* information society service providers *storing and giving access to large amounts of works and other subject-matter uploaded by their users*

Use of *copyright* protected content *uploaded by users of* information society service providers

Or. en

**Amendment 457**

**Pascal Arimont, Herbert Reul**

**Proposal for a directive**

**Article 13 – title**

*Text proposed by the Commission*

Use of protected **content** by information society service providers **storing** and giving access to **large amounts of** works and other subject-matter uploaded by their users

*Amendment*

Use of **content** protected **by copyright** by information society service providers **publicly reproducing** and/or giving access to works and other subject-matter uploaded by their users

Or. de

**Amendment 458**

**Pascal Arimont, Herbert Reul**

**Proposal for a directive**

**Article 13 – title**

*Text proposed by the Commission*

Use of protected content by information society service providers **storing and giving access** to **large amounts of** works and other subject-matter uploaded by their users

*Amendment*

Use of protected content by information society service providers **reproducing so that they are accessible to the public and/or giving access to** works and other subject-matter uploaded by their users

Or. de

**Amendment 459**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**

**Article 13 – title**

*Text proposed by the Commission*

Use of protected content by information society service providers storing and giving access to **large amounts of** works and

*Amendment*

Use of protected content by **users of** information society service providers storing and giving access to works and

other subject-matter uploaded by their users

other subject-matter uploaded by their users

Or. en

**Amendment 460**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 13 – title**

*Text proposed by the Commission*

Use of protected content by information society service providers storing and giving access to **large amounts of** works **and** other subject-matter uploaded by their users

*Amendment*

Use of protected content by information society service providers storing and giving access to works **or** other subject-matter uploaded by their users

Or. fr

**Amendment 461**  
**Sergio Gutiérrez Prieto, José Blanco López**

**Proposal for a directive**  
**Article 13 – title**

*Text proposed by the Commission*

Use of protected content by information society service providers storing and giving access to **large** amounts of works and other subject-matter uploaded by their users

*Amendment*

Use of protected content by information society service providers storing and giving access to **significant** amounts of works and other subject-matter uploaded by their users

Or. en

**Amendment 462**  
**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

## Article 13 – paragraph 1

*Text proposed by the Commission*

1. Information society service providers that store ***and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

*Amendment*

1. Information society service providers that store ***information provided by a recipient of the service and enable users to upload works in such a way as to make them available to the public shall, upon obtaining knowledge or awareness that an uploaded work subject to copyright and other related rights is used in an unauthorised manner, act expeditiously to remove or to disable access to the content, except where service providers conclude a licensing agreement with rightholders enabling the content to remain available.***

Or. en

*Justification*

*There is an increasing pressure on intermediaries providing users the possibility to upload works, to filter content with the use of technologies, although recognised by the Court as infringing user's fundamental rights. In addition, current practices show a large amount of authorised content taken down due to the absence of due process within the existing notice and take down regime, which should therefore be clarified in the interests of users, rightholders and intermediaries.*

**Amendment 463**  
**Eva Maydell**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service

PE602.820v01-00

*Amendment*

1. ***Without prejudice to Article 14 of***

84/152

AM\1121994EN.docx

providers that *store and provide* to the public *access to large amounts of* works or other subject-matter uploaded by their users *shall, in cooperation with rightholders, take measures to ensure the functioning of* agreements concluded with rightholders *for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

*Directive 2000/31/EC*, information society service providers that *make available* to the public *copyright* works or other subject-matter uploaded by their users, *shall conclude licensing* agreements with rightholders. *Such agreements* shall be *fair and balanced. Information society services shall, in cooperation with rightholders take reasonable and proportionate measures to ensure the functioning of such agreements.*

Or. en

**Amendment 464**  
**Daniel Dalton**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers *that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of* agreements concluded with rightholders *for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content*

*Amendment*

1. Information society service providers *whose users upload copyright protected content without the authorisation of rightholders, if that authorisation is required, shall endeavour to achieve, where appropriate, agreements with rightholders governing this content, unless they are eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC of the European Parliament and the Council. The implementation of such agreements shall respect users' fundamental rights and Article 15 of Directive 2000/31/EC of the*

*recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

*European Parliament and the Council. The service providers shall provide rightholders with adequate information on the implementation of such agreements.*

Or. en

#### **Amendment 465**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

#### **Proposal for a directive Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to *large amounts of* works or other subject-matter uploaded by their users *shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

##### *Amendment*

1. *Where* information society service providers that store and provide to the public access to works or other subject-matter uploaded by their users *conclude agreements with rightholders, the implementation of such agreements shall respect the users' fundamental rights and shall in particular not convey an obligation upon the information society service provider to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity. The service providers shall cooperate and work together with rightholders to ensure that the functioning and implementation of such agreements are full and transparent towards the users.*

Or. en

**Amendment 466**  
**Vicky Ford**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that ***store and provide to the public access to large amounts of*** works or other subject-matter uploaded by their users ***shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their*** works or other subject-matter ***or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers.*** Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. ***The*** service providers shall ***provide rightholders with adequate information on*** the functioning and ***the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.***

*Amendment*

1. Information society service providers that ***actively promote and curate content in the making available to the public copyright protected digital*** works or other ***digital*** subject-matter uploaded by their users ***and with knowledge by the information society service provider of the copyright protection of those*** works or subject matter ***shall endeavour to achieve, where appropriate, fair and balanced agreements with rightholders governing this content and in cooperation with rightholders, take measures to ensure the functioning of those agreements.*** Those measures, such as the use of effective content recognition technologies ***or notice and takedown,*** shall be appropriate and proportionate. ***Those*** service providers shall ***cooperate and work together with rightholders to ensure that*** the functioning and ***implementation of such agreements are full and transparent.***

Or. en

**Amendment 467**  
**Maria Grapini**  
**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users ***shall, in cooperation with rightholders, take measures to ensure the***

*Amendment*

1. Information society service providers that store large quantities of works or other subject matter ***protected by copyright and provide public access to such works*** uploaded by their users ***must***

*functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

*conclude fair and equitable licence agreements in cooperation with rightholders, ensuring them suitable remuneration in line with the number of downloads, unless they meet the conditions for exemption from liability under Article 14 of Directive 2000/31/EC. Implementation of these agreements shall be subject to respect for the fundamental rights of users, and in accordance with Article 15 of Directive 2000/31/EC. Service providers shall cooperate with rightholders to ensure the effectiveness and full transparency of such agreements.*

Or. ro

**Amendment 468**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public ***access to large amounts of*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter ***or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate.*** The service providers shall ***provide rightholders with adequate information***

*Amendment*

1. Information society service providers that store and provide ***access*** to the public ***to copyright protected*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take ***reasonable and appropriate*** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. ***Those measures may take into account various available technological developments that would be appropriate for the nature of services of information society service provider.*** The service providers shall ***cooperate with rightholders and provide them with*** adequate reporting on the recognition and



*on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

use of the works and other subject-matter.

Or. en

**Amendment 469**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to **large amounts of** works or other subject-matter uploaded by their users shall, in **cooperation** with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to **prevent the availability on their services** of works or other subject-matter identified by rightholders **through the** cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Amendment*

1. Information society service providers that store and provide to the public access to works or other subject-matter uploaded by their users shall **conclude equitable agreements with all holders of rights to those works at the request of the rightholders, unless they are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC. Under the terms of the agreements concluded with the rightholders, the information society service providers shall** take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter. **The agreements should cover the liability of users of information society service providers when these users are not acting professionally in respect of acts falling under Articles 2 and 3 of Directive 2001/31/EC which they perform. When information society service providers (i) play an active part but are not required to conclude a licence agreement by the holders of rights to works or other subject-matter stored by them and to which they provide public access, or (ii) are eligible for the liability exemption provided for in Article 14 of Directive 2000/31/EC, but store and provide to the public access to a**

*large number of protected works or other subject-matter, these information society service providers shall take measures to prevent protected works or other subject-matter identified by rightholders in cooperation with the service providers from being made available by their services.*

Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. *Rightholders shall provide information society service providers with all relevant and necessary details to ensure the functioning of measures taken by the service providers pursuant to this article.*

Or. fr

#### **Amendment 470**

**Sergio Gutiérrez Prieto, José Blanco López**

#### **Proposal for a directive**

#### **Article 13 – paragraph 1**

##### *Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to *large* amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures,

##### *Amendment*

1. Information society service providers that store and provide to the public access to *copyright protected works or other subject-matter uploaded by their users, thereby going beyond the mere provision of physical facilities and performing an act of communication to the public initiated by their users uploading such works or other subject-matter, shall conclude licensing agreements with rightholders both for communication to the public and reproduction rights, unless they are*

such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

***eligible for the liability exemption provided in Article 14 of Directive 2000/31/EC.***

***The liability exemption provided in Article 14 of Directive 2000/31/EC shall not apply to the activities of information society service providers which make protected works and other subject matter available to the public and play an active role, including by optimising the presentation of the uploaded works or subject-matter or promoting them.***

***The licensing agreements referred to in paragraph 1 shall be deemed to cover the acts carried out by the users of the information society service providers aforementioned, provided that the users are not acting on a professional basis.***

***Information society service providers that store and provide to the public access to significant amounts of copyright protected works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate **and timely** reporting on the recognition and use of the works and other subject-matter.***

***Member States shall ensure that the service providers referred to in paragraph 4 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 4.***

***Information society service providers that take measures referred to in paragraph 4***

*shall ensure that such measures are in full compliance with Article 15 of Directive 2000/31/EC and the European Charter of Fundamental Rights. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

Or. en

**Amendment 471**  
**Morten Løkkegaard**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and **provide to** the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting

*Amendment*

1. Information society service providers that store and **play an active role in providing** the public **with** access to large amounts of works or other subject-matter uploaded by their users, **thereby going beyond the mere provision of physical facilities and performing an act of communication to the public as well as a reproduction act, are obliged to conclude licensing agreements with rightholders. Information society service providers** shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of

on the recognition and use of the works and other subject-matter.

effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter. *An information society service provider shall be deemed to 'store' a work for the purpose of this Article 13 if it displays a work in a manner that allows the public to view the work on the service provider's platform irrespective of where the data comprising the work technically resides, unless the service provider does so for the sole purpose of providing a search function and only displays extracts or previews that do not exceed what is essential and indispensable for navigational purposes.*

Or. en

**Amendment 472**  
**Lara Comi**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and ***provide*** to the public ***access to large amounts of*** works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter ***or*** to prevent the availability on their services of works or other ***subject-matter identified by rightholders through the cooperation with the service providers***. Those measures, such as the use of effective content

*Amendment*

1. Information society service providers that store and ***make available*** to the public ***copyright protected*** works or other subject-matter, uploaded by their users, ***going beyond the mere technical, automatic and passive provision of physical facilities, shall be obliged to conclude licensing agreements with rightholders. Those service providers shall not benefit from the liability exemption provided for in Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. Where information society service providers are eligible for***

recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*the liability exemption provided for in Article 14 of Directive 2000/31/EC, they shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter **and** to prevent the availability on their services of works or other **protected subject-matter**. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. **All** the service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.*

Or. it

**Amendment 473**  
**Pascal Arimont, Herbert Reul**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that *store and provide* to the public *access to large amounts of* works or other subject-matter uploaded by their users shall, *in cooperation with rightholders, take measures to ensure the functioning of agreements concluded* with rightholders for the use of their works or other subject-matter or to prevent the availability *on* their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of *effective* content recognition technologies, *shall* be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as

*Amendment*

1. Information society service providers that, *beyond merely providing the physical facilities, are actively involved in the communication* to the public of *and/or making available the* works and other subject-matter uploaded by their users shall *not be covered by the exclusion of liability pursuant to Article 14 of Directive 2000/31/EC of the European Parliament and of the Council. Furthermore, these service providers shall undertake to conclude agreements* with rightholders for the use of their works or other subject-matter or to prevent the availability *of* their services of works or other subject-matter identified by rightholders through the cooperation with the service providers *and shall, in consultation with the rightholders, take*

well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

***measures to ensure that the agreements concluded with the rightholders are respected.*** Those measures, such as the use of content recognition technologies, ***must*** be ***effective***, appropriate and proportionate. The service providers shall provide rightholders ***rapidly and in a transparent manner*** with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. de

**Amendment 474**  
**Christel Schaldemose**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and ***provide*** to the public access to large amounts of works or other subject-matter uploaded by their users ***shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded*** with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Amendment*

1. Information society service providers that store and ***play an active role in providing*** to the public access to large amounts of works or other subject-matter uploaded by their users. ***Thereby going beyond the mere provision of physical facilities and performing an act of communication to the public as well as a reproductive act, are obliged to conclude licensing agreements*** with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. ***Information society service providers shall, in cooperation with rightholders, take measures to ensure the functioning and enforcement of these agreements concluded with rightholders.*** Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service

providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

**Amendment 475**  
**Antonio López-Istúriz White**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to **large amounts** of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Amendment*

1. Information society service providers that store and provide to the public access to **a significant amount** of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate **and conform to the relevant industry standards**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting **in good time** on the recognition and use of the works and other subject-matter.

Or. es



**Amendment 476**  
**Pina Picierno**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders ***through the cooperation with the service providers***. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Amendment*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users, ***thereby going beyond the provision of mere physical facilities and communicating or making available those works or other subject – matter to the public*** shall, in cooperation with rightholders, take ***effective*** measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

**Amendment 477**  
**Marc Tarabella, Virginie Rozière, Hugues Bayet**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the

*Amendment*

1. Information society service providers that store and provide to the

public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate **and proportionate**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate, **proportionate and compliant with the relevant industry standards**. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate **and timely** reporting on the recognition and use of the works and other subject-matter.

Or. en

**Amendment 478**  
**Morten Løkkegaard**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures,

*Amendment*

1. Information society service providers **such as news aggregators and search engines** that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with

such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

Or. en

**Amendment 479**  
**Inese Vaidere**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall, in cooperation with rightholders, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

*Amendment*

1. Information society service providers that store and provide to the public access to large amounts of works or other subject-matter uploaded by their users shall ***achieve fair and balanced agreements*** in cooperation with rightholders ***in order to ensure fair and appropriate compensation***, take measures to ensure the functioning of agreements concluded with rightholders for the use of their works or other subject-matter or to prevent the availability on their services of works or other subject-matter identified by rightholders through the cooperation with the service providers. Those measures, such as the use of effective content recognition technologies, shall be appropriate and proportionate. The service providers shall provide rightholders with adequate information on the functioning and the deployment of the measures, as well as, when relevant, adequate reporting on the recognition and use of the works and other subject-matter.

**Amendment 480**  
**Vicky Ford**

**Proposal for a directive**  
**Article 13 – paragraph 1 – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

***(1) Paragraph 1 shall not apply when the service provider does not have actual knowledge of copyright protection of the works or is not aware of facts or circumstances from which the copyright protection is arising, or where the provider, upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the information.***

Or. en

**Amendment 481**  
**Pascal Arimont, Herbert Reul, Andreas Schwab**

**Proposal for a directive**  
**Article 13 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***Micro-enterprises and small enterprises<sup>1b</sup> less than ten years old shall be exempted from the obligation to use content recognition technologies, but not from the obligation to take measures to ensure that the agreements concluded with the rightholders are complied with.***

---

***<sup>1b</sup>in accordance with the Commission recommendation concerning the definition of micro-enterprises and small and medium-sized enterprises***

**Amendment 482**  
**Antonio López-Istúriz White**

**Proposal for a directive**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Information society service providers which store and give the public access to copyrighted works or other subject-matter uploaded by their users do not, in so doing, merely supply physical facilities and to that extent are involved in the act of communication to the public brought about by their users when they upload such protected works or other subject-matter. Those service providers shall be obliged to conclude licensing agreements with rightholders concerning the rights of communication to the public and of reproduction, unless they can invoke the exemption from liability provided for in Article 14 of Directive 2000/31/EC. Licences granted to the above service providers shall cover acts performed by their users, provided that users are not acting in a professional capacity.***

Or. es

**Amendment 483**  
**Eva Maydell**

**Proposal for a directive**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. For the purpose of ensuring the functioning of agreements, as referred to in paragraph 1, rightholders shall provide***

*service providers with accurately identified works or other subject-matter over which they enjoy rights. The service providers shall inform rightholders of the measures employed and the accuracy of their functioning as well as, when relevant, periodically report on the recognition and use of the works and other subject-matter.*

Or. en

**Amendment 484**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. In order to be valid, the notification of an unauthorised protected content shall include, in particular, the identification by the rightholder of the work subject to copyright and related rights claimed to have been infringed and the identification of the uploaded work, including its exact location, that is considered to be using work subject to copyright and related rights.*

Or. en

*Justification*

*There is an increasing pressure on intermediaries providing users the possibility to upload works, to filter content with the use of technologies, although recognised by the Court as infringing user's fundamental rights. In addition, current practices show a large amount of authorised content taken down due to the absence of due process within the existing notice and take down regime, which should therefore be clarified in the interests of users, rightholders and intermediaries.*

**Amendment 485**

**Antanas Guoga**

**Proposal for a directive**

**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a.** *For this purpose, rightholders shall provide service providers with accurately identified works or subject matter over which they enjoy right.*

Or. en

**Amendment 486**

**Sergio Gutiérrez Prieto, José Blanco López**

**Proposal for a directive**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.* **deleted**

Or. en

**Amendment 487**

**Eva Maydell**

**Proposal for a directive**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the* **deleted**

*application of the measures referred to in paragraph 1.*

Or. en

**Amendment 488**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that *the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.*

*Amendment*

2. Member States shall ensure that *national law provides users access to a court or other relevant authority for the purpose of asserting their right of use under an exception or limitation.*

Or. en

**Amendment 489**

**Marc Tarabella, Virginie Rozière, Hugues Bayet**

**Proposal for a directive**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that the service providers referred to in paragraph 1 *put in place* complaints and redress mechanisms *that are available to users* in case of disputes over the application of the measures referred to in paragraph 1.

*Amendment*

2. Member States shall ensure that the service providers referred to in paragraph 1 *provide their users with appropriate complaints and redress mechanisms through which users can seek answers, necessary guidelines or solutions* in case of disputes over the application of the measures referred to in paragraph 1, *especially where the content uploaded by users is unjustifiably prevented by the service provider. This redress mechanism shall either be undertaken by such service provider or by a trusted third party approved by rightholders, service provider*



*and users together or by Member States.*

Or. en

**Amendment 490**

**Daniel Dalton**

**Proposal for a directive**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the ***application of the measures*** referred to in paragraph 1.

*Amendment*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the ***implementation of such agreements*** referred to in paragraph 1.

Or. en

**Amendment 491**

**Antanas Guoga**

**Proposal for a directive**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

*Amendment*

2. Member States shall ensure ***and provide measures*** that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

Or. en

**Amendment 492**

**Philippe Juvin**

**Proposal for a directive**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

*Amendment*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

***Any complaint filed under one of the mechanisms shall be processed by the relevant rightholder within a reasonable period of time. The rightholder shall provide evidence for the rights being claimed.***

Or. fr

**Amendment 493**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

*Amendment*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1. ***These mechanisms shall in particular ensure that where the removal of the content referred to in paragraph 1 is not justified, the content in question shall be reinstated online within a reasonable time. As a last resort, Member States shall ensure the possibility of judicial redress.***

Or. en

### *Justification*

*There is an increasing pressure on intermediaries providing users the possibility to upload works, to filter content with the use of technologies, although recognised by the Court as infringing user's fundamental rights. In addition, current practices show a large amount of authorised content taken down due to the absence of due process within the existing notice and take down regime, which should therefore be clarified in the interests of users, rightholders and intermediaries.*

#### **Amendment 494**

**Pina Picierno**

#### **Proposal for a directive**

#### **Article 13 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1.

##### *Amendment*

2. Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1, ***in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms shall not unreasonably prejudice the effectiveness of measures referred to in paragraph 1.***

Or. en

#### **Amendment 495**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

#### **Proposal for a directive**

#### **Article 13 – paragraph 2 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***2a. The agreements referred to in paragraph 1 shall be implemented without prejudice to the use of works made within an exception or limitation to copyright. To***

*this end, Member States shall ensure that users are allowed to communicate rapidly and in an effective manner with the rightholders who have requested any measures within the scope of agreements referred to in paragraph 1 in order to challenge the application of those measures.*

Or. en

**Amendment 496**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In order to ensure uniform protection of users and rightholders across the Union, the Commission shall develop guidelines on the conditions that need to be met for the validity of the notification referred to in paragraph 1a and for the complaint and redress mechanisms referred to in paragraph 2.**

Or. en

*Justification*

*There is an increasing pressure on intermediaries providing users the possibility to upload works, to filter content with the use of technologies, although recognised by the Court as infringing user's fundamental rights. In addition, current practices show a large amount of authorised content taken down due to the absence of due process within the existing notice and take down regime, which should therefore be clarified in the interests of users, rightholders and intermediaries.*

**Amendment 497**

**Eva Maydell**

**Proposal for a directive**

## Article 13 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure that national law provides users access to a court or other relevant authority for the purpose of asserting their right of use under an exception or limitation.**

Or. en

## Amendment 498

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

### Proposal for a directive

#### Article 13 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.**

*deleted*

Or. en

## Amendment 499

**Sergio Gutiérrez Prieto, José Blanco López**

### Proposal for a directive

#### Article 13 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. Member States shall facilitate, where appropriate, the cooperation**

*deleted*

*between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

Or. en

**Amendment 500**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive  
Article 13 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, *such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.*

*Amendment*

3. *The Commission, in cooperation with* Member States shall facilitate, where appropriate, the cooperation between the information society service providers *referred to in paragraph 1, users* and rightholders through stakeholder dialogues to define best practices *for the implementation of paragraph 1.*

Or. en

**Amendment 501**

**Eva Maydell**

**Proposal for a directive  
Article 13 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.***

*Amendment*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices.

Or. en

**Amendment 502**

**Antanas Guoga**

**Proposal for a directive**

**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, ***such as appropriate and proportionate content recognition technologies***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

*Amendment*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices ***of measures that are proportionate and effective to ensure the protection of rightholders' works and or other subject-matter***, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

**Amendment 503**

**Daniel Dalton**

**Proposal for a directive**  
**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

*Amendment*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers, ***user representatives*** and rightholders through stakeholder dialogues to define best practices ***for the implementation of paragraph 1 in a manner that is proportionate and efficient***, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

Or. en

**Amendment 504**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments.

*Amendment*

3. Member States shall facilitate, where appropriate, the cooperation between the information society service providers and rightholders through stakeholder dialogues to define best practices, such as appropriate and proportionate content recognition technologies, taking into account, among others, the nature of the services, the availability of the technologies and their effectiveness in light of technological developments. ***In cooperation with the Member States, the Commission shall encourage the exchange of best practices across the Union regarding the results of***



*any cooperation established pursuant to the implementation of paragraph 1.*

Or. fr

**Amendment 505**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Member States shall ensure that where service providers take voluntary measures, these measures do not infringe the fundamental rights of users, namely their right to protection of their personal data and their freedom to receive or impart information, in accordance with Articles 8 and 11 of the Charter of Fundamental Rights of the European Union, in particular their rights to the use of works made within an exception or limitation to copyright.**

Or. en

*Justification*

*There is an increasing pressure on intermediaries providing users the possibility to upload works, to filter content with the use of technologies, although recognised by the Court as infringing user's fundamental rights. In addition, current practices show a large amount of authorised content taken down due to the absence of due process within the existing notice and take down regime, which should therefore be clarified in the interests of users, rightholders and intermediaries.*

**Amendment 506**

**Daniel Dalton**

**Proposal for a directive**

**Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.     *Hyperlinking to an already publicly available content does not constitute a communication to the public of that source, where the hyperlink only contains information necessary to find and/or request the source's contents.***

Or. en

*Justification*

*Clarification is necessary to outline those conditions under which hyperlinking is legally safe to avoid the potential adverse effects of contradictory judgements.*

**Amendment 507**

**Pina Picierno**

**Proposal for a directive**

**Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.     *Member States shall implement proportionate and dissuasive remedies for non-compliance with the obligations set out in paragraph 1 above.***

Or. en

**Amendment 508**

**Marc Tarabella, Virginie Rozière, Hugues Bayet**

**Proposal for a directive**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**1.     *Information society service providers that store and provide access to the public to copyright protected works or other subject-matter uploaded by their***

*users go beyond the mere provision of physical facilities and intervene in the act of communication to the public initiated by their users uploading such works and other subject matter. These service providers are thus obliged to conclude licensing agreements with rightholders both for communication to the public and reproduction rights, in which they play an indispensable role, unless they are covered by Article 14 of the Directive 2000/31/EC. The authorisation granted to these service providers shall be deemed to cover such acts carried out by their users, if the latter are not acting on a professional basis.*

*2. The conditional non-liability regime provided for by Article 14 of Directive 2000/31/EC shall not apply to the activities of information society services providers which make protected works and other subject matter available to the public and play an active role.*

Or. en

**Amendment 509**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive  
Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

***User generated content***

***Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, point (a) of Article 4(1) of Directive 2009/24/EC and Article 13 of this Directive in order to allow for the digital***

*use of quotations or extracts of works and other subject-matter comprised within user-generated content for purposes such as but not limited to criticism, review, entertainment, illustration, caricature, parody or pastiche, provided that the quotations or extracts:*

*(a) relate to works or other subject-matter that have already been lawfully made available to the public;*

*(b) are accompanied by the indication of the source, including the author's name, unless this turns out to be impossible; and*

*(c) are used in accordance with fair practice and in a manner that does not extend beyond the specific purpose for which they are being used.*

Or. en

**Amendment 510**  
**Josef Weidenholzer**

**Proposal for a directive**  
**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**User Generated Content**

***Member States shall provide for an exception to the rights provided for in Articles 2, 3 and 4 of Directive 2001/29/EC, Article 5 and Article 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC, Articles 7(1) and 8(1) of Directive 2006/115/EC and Article 11(1) of this Directive in order to allow natural persons to use an existing work or other subject matter in the creation of a new work or other subject-matter, and use the new work or other***

*subject matter, provided that:*

- (a) the work or other subject-matter has already been lawfully made available to the public;*
- (b) the source - including, if available, the name of the author, performer, producer, or broadcaster - is indicated;*
- (c) there is a certain level of creativity in the new work which substantially differentiates it from the original work.*

Or. en

## **Amendment 511**

**Sergio Gutiérrez Prieto, José Blanco López**

### **Proposal for a directive**

#### **Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 13a**

##### ***Unwaivable right to remuneration***

- 1. Member States shall ensure that when an audiovisual author has transferred or assigned his or her making available right to a producer, that author shall retain the right to obtain an equitable remuneration.***
- 2. This right to obtain an equitable remuneration for the making available of the author's work is inalienable and cannot be waived.***
- 3. The administration of this right to obtain an equitable remuneration for the making available of the author's work shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for the making***

*available right*

**4. Authors' collective management organisations shall collect the equitable remuneration from audiovisual media services making audiovisual works available to the public.**

Or. en

**Amendment 512**  
**Antonio López-Istúriz White**

**Proposal for a directive**  
**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

***Inalienable right of remuneration***

**1. Member States shall ensure that authors of audiovisual works have the right to be fairly remunerated where they have transferred or assigned their right of making available to an audiovisual producer.**

**2. The right to be fairly remunerated for making an author's work available is inalienable and unassignable.**

**3. This right to fair remuneration for making works available to the public shall be administered by collective management organisations representing the authors of audiovisual works.**

**4. The authors' collective management organisations shall collect the sums corresponding to fair remuneration for the audiovisual services that make audiovisual works available to the public.**

Or. es

**Amendment 513**

**Philippe Juvin**

**Proposal for a directive  
Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

- 1. Member States shall provide that where an author of an audiovisual work transfers to a producer his right to authorise or prohibit the making available of that work to the public, he shall retain the right to obtain equitable remuneration for making such work available.**
- 2. That right to equitable remuneration for making the work available shall be nontransferable and may not be renounced.**
- 3. The management of that right to equitable remuneration for making the work available shall be equitable shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, already guarantee such remuneration for audiovisual authors.**
- 4. Authors' societies shall receive this equitable remuneration from the audiovisual media services which make the audiovisual works available to the public.**

Or. fr

**Amendment 514**

**Marc Tarabella, Virginie Rozière, Hugues Bayet, Pervenche Berès**

**Proposal for a directive  
Article 13 b (new)**

*Text proposed by the Commission*

*Amendment*

### *Article 13b*

- 1. Member States shall ensure that when an audiovisual author has transferred or assigned his making available right to a producer, that author shall retain the right to obtain an equitable remuneration.*
- 2. This right to obtain an equitable remuneration for the making available of the author's work is inalienable and cannot be waived.*
- 3. The administration of this right to obtain an equitable remuneration for the making available of the author's work shall be entrusted to collective management organisations representing audiovisual authors, unless other collective agreements, including voluntary collective management agreements, guarantee such remuneration to audiovisual authors for their making available right.*
- 4. Authors' collective management organisations shall collect the equitable remuneration from audiovisual media services making audiovisual works available to the public.*

Or. en

### **Amendment 515**

**Róza Gräfin von Thun und Hohenstein, Michał Boni**

### **Proposal for a directive**

### **Article 14 – paragraph 1**

#### *Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, ***timely, adequate and sufficient*** information on the exploitation of their works and

#### *Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, ***in an open, machine-readable format,*** information on the exploitation of their works and



performances from *those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.*

performances from *commercial users of their protected works or performances, notably contextual and rich consumption and behavioural data but in any case at least as complete, timely and equivalent as provided by the users to those to whom authors and performers have licensed or transferred their rights.*

Or. en

## Amendment 516

Daniel Dalton

### Proposal for a directive

#### Article 14 – paragraph 1

*Text proposed by the Commission*

1. Member States ***shall*** ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from *those to whom they have licensed or transferred their* rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States ***may*** ensure that authors and performers ***who are in a contractual relationship where there are ongoing payment obligations*** receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from ***the party with*** whom they ***entered into a contract for the exploitation of*** rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

## Amendment 517

Jiří Maštálka

### Proposal for a directive

#### Article 14 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that

*Amendment*

1. Member States shall ensure that

authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances *from those to whom they have licensed or transferred their rights*, notably as regards modes of exploitation, revenues generated and remuneration due.

authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

**Amendment 518**  
**Julia Reda**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, *adequate and sufficient* information on the exploitation of their works and performances from those to whom *they have* licensed or *transferred* their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, *and comprehensive* information on the exploitation of their works and performances from those to whom *their works are* licensed or their rights *are transferred*, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

**Amendment 519**  
**Anneleen Van Bossuyt**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular

*Amendment*

1. Member States shall ensure that authors and performers *who are in a*

basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from *those to* whom they *have licensed or transferred their* rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*contractual relationship where there are ongoing payment obligations* receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from *the party with* whom they *entered into a contract for the exploitation of* rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

**Amendment 520**  
**Pina Picierno**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from *those to* whom they *have licensed or transferred their* rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from *the party with* whom they *entered into a contract for the exploitation of* rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

**Amendment 521**  
**Sergio Gutiérrez Prieto, José Blanco López**

**Proposal for a directive**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

1. Member States shall ensure that authors and performers receive on a regular basis and ***no less than once a year and*** taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

Or. en

#### **Amendment 522**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

#### **Proposal for a directive**

#### **Article 14 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

##### *Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, ***accurate***, timely, adequate and sufficient information on the exploitation ***and promotion*** of their works and performances from those to whom they have licensed or transferred their rights, ***including subsequent transferees or licensees***, notably as regards modes of ***promotion***, exploitation, revenues generated and remuneration due.

Or. en

#### **Amendment 523**

**Antanas Guoga**

#### **Proposal for a directive**

#### **Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights, notably as regards modes of exploitation, revenues generated and remuneration due.

*Amendment*

1. Member States shall ensure that authors and performers receive on a regular basis and taking into account the specificities of each sector, timely, adequate, ***accurate*** and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights ***on a revenue share basis***, notably as regards modes of exploitation, ***modes of promotion***, revenues generated and remuneration due.

Or. en

**Amendment 524**

**Pascal Arimont**

**Proposal for a directive**

**Article 14 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***Where the contracting partners of the authors and performing artists have transferred the right of use or granted further rights of use, the authors may also demand information and accountability from those third parties which essentially determine the financial aspects of the use processes in the licensing chain.***

Or. de

**Amendment 525**

**Róza Gräfin von Thun und Hohenstein, Michał Boni**

**Proposal for a directive**

**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that commercial users of works or***

*performances cooperate with authors and performers, and those to whom authors and performers have licensed or transferred their rights, to define best practices of the execution of the obligation specified in paragraph 1, such as by elaborating an open standard for the identification of authors and performers and their respective works and performances.*

Or. en

**Amendment 526**  
**Pina Picierno**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. *The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.*

*Amendment*

2. *Member States shall ensure that the service providers referred to in paragraph 1 put in place complaints and redress mechanisms that are available to users in case of disputes over the application of the measures referred to in paragraph 1, in particular regarding the possible application of an exception or an authorisation of use relating to the content concerned. Such mechanisms shall not unreasonably prejudice the effectiveness of measures referred to in paragraph 1.*

Or. en

**Amendment 527**  
**Julia Reda**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

*Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector.

Or. en

**Amendment 528**

**Róza Gräfin von Thun und Hohenstein, Michał Boni**

**Proposal for a directive  
Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector. ***However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.***

*Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure an appropriate level of transparency in every sector.

Or. en

**Amendment 529**

**Antanas Guoga**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall ***be proportionate and effective and shall ensure an appropriate level*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States ***may*** adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

*Amendment*

2. The obligation in paragraph 1 shall ensure ***a high degree*** of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States ***shall*** adjust the obligation in paragraph 1, ***under the condition that the level of disproportionality is duly justified***, provided that the obligation remains effective and ensures an appropriate level of transparency.

Or. en

**Amendment 530**  
**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***an appropriate*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency.

*Amendment*

2. The obligation in paragraph 1 shall be proportionate and effective and shall ensure ***a high*** level of transparency in every sector. However, in those cases where the administrative burden resulting from the obligation would be disproportionate in view of the revenues generated by the exploitation of the work or performance, Member States may adjust the obligation in paragraph 1, provided that the obligation remains effective and ensures an appropriate level of transparency ***and the disproportionality is duly justified***.



**Amendment 531**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**

**Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure that sector-specific standard reporting statements and procedures are developed through stakeholder dialogues.**

Or. en

**Amendment 532**

**Róza Gräfin von Thun und Hohenstein, Michal Boni**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.** *deleted*

Or. en

**Amendment 533**

**Julia Reda**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States may decide that the obligation in paragraph 1 does not apply** *deleted*

*when the contribution of the author or performer is not significant having regard to the overall work or performance.*

Or. en

**Amendment 534**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.* **deleted**

Or. en

**Amendment 535**

**Pina Picierno**

**Proposal for a directive**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *Member States may decide that* the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

3. The obligation in paragraph 1 does not apply ***when reporting obligations have been agreed by the parties or*** when the contribution of the author or performer is not significant having regard to the overall work or performance.

Or. en

**Amendment 536**

**Antanas Guoga**

**Proposal for a directive**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. ***Member States may decide that*** the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

*Amendment*

3. The obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance ***or when reporting obligations have been agreed by parties, for instance through collective bargaining agreements which are reflected in terms of the contract or performed or which are otherwise applicable.***

Or. en

**Amendment 537**  
**Daniel Dalton**

**Proposal for a directive**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.

*Amendment*

3. Member States may decide that the obligation in paragraph 1 does not apply when ***reporting obligations have been agreed by the parties or when*** the contribution of the author or performer is not significant having regard to the overall work or performance.

Or. en

**Amendment 538**  
**Julia Reda**

**Proposal for a directive**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Paragraph 1 shall not be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.**

*deleted*

Or. en

**Amendment 539**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. Paragraph 1 shall **not** be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.

*Amendment*

4. Paragraph 1 shall be applicable to entities subject to the transparency obligations established by Directive 2014/26/EU.

Or. en

**Amendment 540**  
**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley**

**Proposal for a directive**  
**Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 14a**

***Establishment of a central database***

***1. The European Commission is empowered to take measures for the establishment of a central database enabling the electronic transfer of data on works subject to copyright and other related rights from existing databases of collective management organisations and providing the possibility for independent authors or performers to submit individually the data related to their respective works.***

**2. The database shall provide the following non exhaustive information regarding the work subject to copyright and related rights :**

- (a) the type of use**
- (b) the means of distribution**
- (c) the territory**
- (d) the duration of the copyright**
- (e) the name of the holder(s) of the relevant rights**
- (d) the organisation or person managing the rights**
- (e) the rights metadata**

**3. For the purpose of paragraph 1, collective management organisations shall make their databases available in the public domain.**

**4. The database shall provide to the user the possibility to request, obtain and pay for the use of the content subject to copyright and related rights through a secure online platform, or in cases where the content cannot be obtained directly, the possibility to contact the collective management organisation or any other third party managing the rights.**

**5. The European Commission is empowered to take measures to ensure that the database is managed in an independent and transparent manner.**

Or. en

#### *Justification*

*The attempt to develop a Global repertoire Database has been described as a failure despite the large support and agreement that such a system is needed. Such a project should therefore be relaunched to facilitate the distribution of protected works and the remuneration of authors and performers.*

**Amendment 541**  
**Philippe Juvin**

**Proposal for a directive**  
**Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 14a**

***Fair and separate remuneration***

***Member States shall ensure that authors and performers receive fair remuneration for each mode of exploitation of their protected works and other subject-matter.***

Or. fr

**Amendment 542**  
**Pascal Arimont**

**Proposal for a directive**  
**Article 15 – title**

*Text proposed by the Commission*

*Amendment*

***Contract adjustment mechanism***

***Remuneration for the use of works or performances***

Or. en

**Amendment 543**  
**Pascal Arimont**

**Proposal for a directive**  
**Article 15 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1 Member States shall ensure that authors and performers are entitled to an appropriate remuneration derived from the exploitation of their works.***

Or. en

**Amendment 544**  
**Pascal Arimont**

**Proposal for a directive**  
**Article 15 – paragraph -1 a (new)**

*Text proposed by the Commission*

*Amendment*

**-1a** *Member States shall ensure that when an author or performer has transferred or assigned his making available right, that author shall retain the right to obtain an appropriate remuneration. The right to remuneration cannot be waived.*

Or. en

**Amendment 545**  
**Eva Maydell**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that authors and performers are entitled to *request additional, appropriate* remuneration *from the party with whom they entered into a contract* for the exploitation of *the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.*

Member States shall ensure that authors and performers are entitled to *equitable* remuneration for the exploitation of *their* works.

Or. en

**Amendment 546**  
**Pina Picierno**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request **additional, appropriate** remuneration from the party with whom they entered into a contract for the exploitation of the rights **when** the remuneration **originally** agreed **is disproportionately low** compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

*Amendment*

***In the absence of existing procedures under applicable national laws or industry practices enabling the modification or annulment of contracts for the exploitation of rights in appropriate circumstances,*** Member States shall ensure that authors and performers are entitled to request ***the adjustment of the agreed*** remuneration from the party with whom they entered into a contract for the exploitation of the rights, ***in cases where*** the remuneration agreed ***has become strikingly disproportionate*** compared to the subsequent relevant ***unanticipated net*** revenues and benefits derived ***by the contracting party*** from the exploitation of the works or performances. ***When assessing the disproportionality, the appropriate circumstances of each case, including the nature and significance of the contribution of the author or performer to the overall work or performance, should be taken into account.***

Or. en

**Amendment 547**  
**Daniel Dalton, Anneleen Van Bossuyt**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States ***shall ensure*** that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is

*Amendment*

Member States ***may decide*** that authors and performers are entitled, ***in case of an unexpected success***, to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the



disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

remuneration originally agreed is disproportionately low compared to the subsequent relevant *net* revenues and benefits derived from the exploitation of the works or performances.

Or. en

#### **Amendment 548**

**Philippe Juvin**

#### **Proposal for a directive**

#### **Article 15 – paragraph 1**

##### *Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues *and benefits* derived from the exploitation of the works or performances.

##### *Amendment*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues derived from the exploitation of the works or performances.

Or. fr

#### **Amendment 549**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

#### **Proposal for a directive**

#### **Article 15 – paragraph 1**

##### *Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights *when* the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works

##### *Amendment*

Member States shall ensure that authors and performers, *or representatives they appoint*, are entitled to request additional, *equitable*, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights, *or their successor in title, when, it is duly justified to claim that* the remuneration originally agreed is disproportionately low

or performances.

compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

**Amendment 550**  
**Pascal Arimont**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

*Amendment*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights, ***or their successors in title***, when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

Or. en

**Amendment 551**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is ***disproportionately low*** compared to the subsequent relevant revenues ***and benefits***

*Amendment*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is ***widely disproportionate*** compared to the ***unanticipated*** subsequent relevant

derived from the exploitation of the works or performances.

revenues derived from the exploitation of the works or performances.

Or. en

**Amendment 552**  
**Maria Grapini**  
**Proposal for a directive**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances.

*Amendment*

***In the absence of national legislative provisions regarding cancellation or modification of the copyright assignment agreement,*** Member States shall ensure that authors and performers are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the subsequent relevant revenues and benefits derived from the exploitation of the works or performances

Or. ro

**Amendment 553**  
**Jiří Maštálka, Kostadinka Kuneva**

**Proposal for a directive**  
**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where a performer has transferred or assigned an exclusive right of making available on demand, the performer shall be entitled to an equitable remuneration.***

- (i) *Collection of remuneration is provided without prejudice as to existing national organisational schemes for collective management of copyright.*
- (ii) *The remuneration entitlement shall not prevent the choice of the creator on dissemination modes (e.g. creative commons)*

Or. en

**Amendment 554**  
**Eva Maydell**

**Proposal for a directive**  
**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall ensure that authors and performers or their representative organisations are entitled to request additional, appropriate remuneration from the party with whom they entered into a contract for the exploitation of the rights when the remuneration originally agreed is disproportionately low compared to the unanticipated subsequent relevant net revenues and benefits derived from the exploitation of the works or performances.*

Or. en

**Amendment 555**  
**Antanas Guoga**

**Proposal for a directive**  
**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Paragraph 1 does not apply when the contribution of the author or performer is*

*not significant having regard to the overall work or performance, or when a revenue or profit share has been agreed by the parties.*

Or. en

**Amendment 556**

**Virginie Rozière, Marc Tarabella, Sylvie Guillaume, Pervenche Berès**

**Proposal for a directive**

**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States may decide that the obligation in paragraph 1 does not apply when the contribution of the author or performer is not significant having regard to the overall work or performance.*

Or. en

**Amendment 557**

**Daniel Dalton**

**Proposal for a directive**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States ***shall*** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Member States ***may*** provide that disputes concerning the transparency obligation under Article 14 and the contract adjustment mechanism under Article 15 may be submitted to a voluntary, alternative dispute resolution procedure.

Or. en

**Amendment 558**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 1 – point -a (new)**

Directive 96/9/EC

Article 1 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**-a In Article 1, the following paragraph is added:**

**"3a. Protection under this Directive shall apply only to databases that are recorded in a single publicly accessible online registry established and managed by the European Union Intellectual Property Office."**

Or. en

**Amendment 559**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 1 – point a**

Directive 96/9/EC

Article 6 – paragraph 2 – point b)

*Text proposed by the Commission*

*Amendment*

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the **non-commercial** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

(b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

**Amendment 560**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 1 – point b**

Directive 96/9/EC

Article 9 – point b)

*Text proposed by the Commission*

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the **non-commercial** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

*Amendment*

(b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

**Amendment 561**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point -a (new)**

Directive 2001/29/EC

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**(-a) In Article 5(1), the following sentence is added:**

***"Acts of reproduction referred to in Article 2 are considered to be permissible if they are a necessary precondition for lawful acts of communication to the public or making available in accordance with Article 3.***

Or. en

**Amendment 562**

**Josef Weidenholzer**

**Proposal for a directive**

**Article 17 – paragraph 2 – point a c (new)**

Directive 2001/29/EC

Article 5 – paragraph 2 – introductory sentence

*Present text*

"2. Member States *may* provide for exceptions or limitations to the reproduction right provided for in Article 2 in the following cases:"

*Amendment*

**(ac) In Article 5 (2) the first line is replaced by the following:**

"2. Member States *shall* provide for exceptions or limitations to the reproduction right provided for in Article 2 in the following cases:"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1491298593782&uri=CELEX:32001L0029>)

*Justification*

*We currently have a list a non-mandatory exceptions and limitations and each of them can be transposed (if at all) in thousands of different ways. This leads to an incoherent, insecure and limited single market and cultural space. Having all Member States recognise all exceptions and limitations would be a first step to remedy that. The main goal of the current copyright reform is therefore to harmonise the Digital Single Market where possible, while leaving Member States the flexibility to apply national solutions where necessary. Having all exceptions and limitations apply in all countries would undoubtedly improve the current situation, while Member States would still have the freedom to implement them in the way that best reflects their cultural legacies.*

**Amendment 563**  
**Josef Weidenholzer**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point a d (new)**  
Directive 2001/29/EC  
Article 5 – paragraph 3 – introductory sentence

*Present text*

"3. Member States *may* provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases :"

*Amendment*

**(ad) In Article 5(3) the first line is replaced by the following:**

"3. Member States *shall* provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases :"

Or. en



*Justification*

*We currently have a list a non-mandatory exceptions and limitations and each of them can be transposed (if at all) in thousands of different ways. This leads to an incoherent, insecure and limited single market and cultural space. Having all Member States recognise all exceptions and limitations would be a first step to remedy that. The main goal of the current copyright reform is therefore to harmonise the Digital Single Market where possible, while leaving Member States the flexibility to apply national solutions where necessary. Having all exceptions and limitations apply in all countries would undoubtedly improve the current situation, while Member States would still have the freedom to implement them in the way that best reflects their cultural legacies.*

**Amendment 564**  
**Julia Reda**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point b**  
Directive 2001/29/EC  
Article 5 – paragraph 3 – point (a)

*Text proposed by the Commission*

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the ***non-commercial*** purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

*Amendment*

(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the purpose to be achieved, without prejudice to the exceptions and the limitation provided for in Directive [this Directive];

Or. en

**Amendment 565**  
**Julia Reda**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point b a (new)**  
Directive 2001/29/EC  
Article 5 – paragraph 3 – point (n)

*Present text*

"(n) use by communication or making available, for the purpose of research or *private* study, to *individual* members of the public *by dedicated terminals on the premises of* establishments referred to in paragraph 2(c) *of works and other subject-matter not subject to purchase or licensing terms* which are contained in their collections;"

*Amendment*

**(ba)** *In Article 5(3), point (n) is replaced by the following:*

"(n) use by communication or making available, for the purpose of research or study, to members of the public *of works and other subject-matter by* establishments referred to in paragraph 2(c) which are contained in their collections;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1491298593782&uri=CELEX:32001L0029>)

**Amendment 566**  
**Julia Reda**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point b a (new)**  
Directive 2001/29/EC  
Article 5 – paragraph 3 – point (o a)

*Text proposed by the Commission*

*Amendment*

**(ba)** *In Article 5(3), the following point is added:*

"(oa) *use by communication or making available by libraries, educational establishments, museums or archives for the purpose of publicly available catalogues of their respective collections;*"

Or. en

**Amendment 567**  
**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b a (new)**  
Directive 2001/29/EC  
Article 5 – paragraph 5

*Present text*

"5. The exceptions and limitations provided for in paragraphs 1, 2, 3 and 4 shall ***only be applied in certain special cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder.***"

*Amendment*

***(ba) Article 5(5) is replaced by the following:***

"5. ***Any contractual provision contrary to the exceptions and limitations provided for in paragraphs 1, 2, 3 and 4 shall be unenforceable.***"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1491298593782&uri=CELEX:32001L0029>)

**Amendment 568**  
**Julia Reda, Lucy Anderson**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point c d (new)**  
Directive 2001/29/EC  
Article 6 – paragraph 3

*Present text*

"3. For the purposes of this Directive, the expression 'technological measures' means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other ***subject matter***, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC. Technological measures shall be deemed 'effective' where the use of a protected

*Amendment*

***(cd) In Article 6, paragraph 3 is replaced by the following:***

"3. For the purposes of this Directive, the expression "technological measures" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other ***subject-matter***, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC, ***and which are not authorised by national or Union law.*** Technological measures shall

work or other *subject matter* is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective."

be deemed "effective" where the use of a protected work or other *subject-matter* is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1491298593782&uri=CELEX:32001L0029>)

**Amendment 569**  
**Julia Reda**

**Proposal for a directive**  
**Article 17 – paragraph 2 – point c e (new)**  
Directive 2001/29/EC  
Article 6 – paragraph 3

*Present text*

"3. For the purposes of this Directive, the expression 'technological measures' means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other *subject matter*, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC. Technological measures shall be deemed 'effective' where the use of a protected work or other *subject matter* is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection

*Amendment*

**(ce) In Article 6, paragraph 3 is replaced by the following:**

"3. For the purposes of this Directive, the expression "technological measures" means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other *subject-matter*, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC, **and which are not authorised by national or Union law**. Technological measures shall be deemed "effective" where the use of a protected work or other *subject-matter* is controlled by the rightholders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy

objective."

control mechanism, which achieves the protection objective."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1491298593782&uri=CELEX:32001L0029>)

**Amendment 570**

**Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b d (new)**

Directive 2001/29/EC

Article 6 – paragraph 4 – subparagraph 5 a

*Text proposed by the Commission*

*Amendment*

**(bd) In Article 6(4), the following subparagraph is added:**

***The protections provided for in paragraph 1 and 2 shall not apply to acts described in paragraph 1 and 2 whose sole purpose is to enable a user's right to enjoy the exceptions and limitations to copyright and related rights outlined in this Directive or in Directive 96/9/EC, Directive 2009/24/EC Directive 2012/28/EU or Directive ... [this directive], to the extent necessary to benefit from that exception or limitation and where that beneficiary has legal access to the protected work or subject-matter concerned;***

Or. en

**Amendment 571**

**Lucy Anderson, Julia Reda**

**Proposal for a directive**

**Article 17 – paragraph 2 – point b b (new)**

Directive 2001/29/EC

Article 6 – paragraph 4 a (new)

***(bb) In Article 6(4), the following subparagraph is added:***

***The protections provided for in paragraph 1 and 2 shall not apply to acts described in paragraph 1 and 2 whose sole purpose is to enable a user's right to enjoy the exceptions and limitations to copyright and related rights outlined in this Directive or in Directive 96/9/EC, Directive 2009/24/EC Directive 2012/28/EU or Directive ... [this directive], to the extent necessary to benefit from that exception or limitation and where that beneficiary has legal access to the protected work or subject-matter concerned;***

Or. en

**Amendment 572**

**Julia Reda, Michel Reimon, Max Andersson, Brando Benifei**

**Proposal for a directive**

**Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].***

***deleted***

Or. en

**Amendment 573**

**Kaja Kallas, Dita Charanzová, Marietje Schaake, Fredrick Federley, Cora van Nieuwenhuizen**

**Proposal for a directive**

**Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.      *The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].***      ***deleted***

Or. en

*Justification*

*This new right has been proposed without proper evidence. The effectiveness of such a provision is also in question given the results of similar measures taken in Germany and Spain, in particular on smaller publishers. In addition, the German court ruling on the issue has concluded that the online use of press publications by for instance search engines provides a combination of value and money flows and non-monetary benefits for all parties and thereby constitutes a win win situation.*

**Amendment 574**  
**Daniel Dalton**

**Proposal for a directive**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.      *The provisions of Article 11 shall also apply to press publications published before [the date mentioned in Article 21(1)].***      ***deleted***

Or. en

**Amendment 575**  
**Daniel Dalton**

**Proposal for a directive**  
**Article 18 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.      *The provision in Article 15 shall apply only to circumstances where the remuneration has become disproportionate due to cases of***

*unexpected success after [the date mentioned in Article 21(1)].*

Or. en

**Amendment 576**  
**Pina Picierno**

**Proposal for a directive**  
**Article 18 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *The provision in Article 15 shall apply only to circumstances where the remuneration has become strikingly disproportionate after [the date mentioned in Article 21(1)].*

Or. en